

February 24, 2004

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L02CU021**

T-MOBILE WIRELESS
SEPA and Conditional Use Permit Appeals

Location: 24401 Northeast Union Hill Road

Appellants: David and Laura Rinn, et. al.
represented by **Kirk R. Wines, P.S.**
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King County: Department of Development and Environmental Services
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SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	
SEPA threshold determination and conditional use permit appeals	Denied
Conditional use permit and a waiver from setbacks,	Approved, subject to conditions

EXAMINER PROCEEDINGS:

Hearing Opened:	February 3, 2004
Hearing Closed:	February 4, 2004

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. A mitigated determination of nonsignificance under SEPA and a conditional use approval were issued by the King County Department of Development and Environmental Services (DDES) on September 12, 2003, to T-Mobile Wireless for construction of a telecommunication facility on a 40' by 40' leasehold parcel within a 5-acre lot located on the south side of Northeast Union Hill Road near Peterson Pond. The proposal is for construction of a 150-foot high monopole with three flush-mounted antennas located at the top and transmitting equipment located at the base. The facility is designed for future co-location of two further antenna arrays by other wireless companies just below the T-Mobile antennas. The SEPA MDNS conditions require the flush-mounted antenna configuration and the painting of the pole a dark green color below the tree line and a non-reflective gray color above it.
2. Both the SEPA threshold determination and the conditional use permit have been appealed by David and Laura Rinn, Brian and Pam Hughes, Howard and Claudia Campbell, George Thurtle and other area residents and property owners within The Reserve at Patterson Creek subdivision south of the proposal site. A pre-hearing conference was held on the appeals on November 20, 2003, and a pre-hearing order issued on November 25, 2003. The issues on appeal as set out within the pre-hearing order include the visual impacts of the monopole proposal on nearby residential properties, whether the 150-foot tower height is compatible with existing and future neighborhood development, whether such height is required by the Applicant's coverage requirements, and the existence and relative impacts of other available and viable alternative tower locations in the vicinity of the proposed site. The allegation that an existing structure lies within one-quarter mile of the proposal site which is both viable and available as a co-location facility was dropped from the appeal based on the Appellants' failure to introduce evidence supporting such issue.

3. This appeal proceeding has also featured a somewhat contentious pre-hearing discovery process that resulted in an apparent exercise in gamesmanship between the Appellants' and the Applicant's attorneys. A December 2, 2003, order on discovery required the Applicant to provide to the Appellants' attorney any studies not previously submitted to DDES, descriptions of other existing and planned antenna facilities in the area, and studies of co-location sites and right-of-way tower locations reviewed by the Applicant and not previously submitted to DDES. The Applicant's attorney claimed to have not received the discovery order even though it was sent to his office as well as to T-Mobile in Bothell and Todd Walton at SecuraSite, LLC. So he failed to comply with it. The Appellants' attorney, for his part, did not raise the matter of the Applicant's failure to comply with discovery until the public hearing on February 3, 2004, a month and a half after the discovery deadline had passed. On the basis of the failure to make discovery, the Appellants' attorney objected to the admission of the Applicant's most recent drive tests regarding transmission coverage from different tower heights (exhibit no. 22), some of which data was provided to him by the Applicant on the January 20, 2004, disclosure deadline.

The Examiner overruled the Appellants' objection to the admission of new technical data by the Applicant. The basis for this ruling is the unexcused delay in bringing the failure to make discovery to the attention of the Examiner and the fact that the Appellants produced no expert technical testimony for whom such data would have been a meaningful and necessary element of hearing preparation. The Appellants' case was comprised entirely of neighborhood testimony concerning visual impacts, the effects of cell towers generally on property values, and hearsay information on the availability of alternative tower locations.

4. Four neighborhood property owners within The Reserve at Patterson Creek plat testified as to potential visual impacts from the tower location. These included David Rinn, owner of lot 18; Brian Hughes, owner of lot 19; and George Thurtle, owner of lot 20, all located southeast of the proposed tower location. Howard Campbell, the owner of lot 22, located almost due south of the proposed tower facility, also testified. Except for lot 20, the lots have been recently constructed with large upscale residences. The approximate distances from the proposed cell tower location to the residential footprints for each of these lots are 400 feet for lot 20, 700 feet for lot 19, 850 feet for lot 18 and 800 feet for lot 22.
5. A mixture of existing conifer and deciduous trees lies between the proposed cell tower site and each of the four properties described above. These consist of sensitive areas tracts A and E within The Reserve at Patterson Creek, as well as clumps of trees located along the southern and eastern boundaries of the cell tower parent parcel. In addition, lots 20 and 21 within the Appellants' plat have yet to be constructed and are densely wooded. Site construction can be expected at a minimum to remove sufficient trees for a building envelope on the southern portion of lot 20 and the eastern half of lot 21.
6. T-Mobile conducted a balloon test at three locations on the parent parcel on March 27, 2003, to assess the potential visibility impacts of the cell tower. On that date among the Appellants only Mr. Rinn was present to observe the testing and he filmed a videotape that appears in the record as exhibit no. 9. As depicted in Mr. Rinn's video, the original cell tower location located near the center of the parcel and represented by a red balloon is clearly visible from portions of lots 18 and 19. A second yellow balloon anchored approximately 150 feet further east is less visible, and a third blue balloon launched 150 feet north of the yellow balloon cannot be seen in the video tape. Based on these tests, T-Mobile revised its application to relocate the cell tower

further north and east in the location represented by the blue balloon. While still concerned that some part of the lower pole may be visible through the trees during the winter, Mr. Rinn agreed at the hearing that the new location would be “significantly less visible” than the original proposal.

7. Looking at the mapping and the aerial photos for this area, it appears that the new monopole location either should be totally screened or at most only partially visible at lower elevations from lots 19 and 20. The building site on lot 20 is closer to the pole than any of the others, but is screened by a thickness of approximately 200 feet of open space tract trees. The close proximity of the tract to the building site should provide for complete screening. Lot 19, at a greater distance, is screened by tracts E and A, which should also provide nearly total invisibility from the residence site. On the other hand, some views of the pole may occur from the northern edge of lot 18 and from the cul-de-sac bulb itself on 245th Place Northeast if one looks between tracts E and A down the driveway to lot 20 through the thinnest portion of the tract E open space. It does not appear that any portion of the lot 18 residence itself would be directly in line with this narrow 15-foot wide easement corridor; the residence benefits from the broader width of tree cover protection on the southern part of tract E.
8. The lot described within the testimony having with the most significant risk of a future unfiltered view of the cell tower is lot 22, although at the current time the precise nature of such impacts would have to be described as speculative. The worst-case scenario for lot 22 is that lot 21 to its north is substantially cleared on its eastern half and a single-story residence is placed thereon, the parent parcel for the cell tower is cleared of trees along its southern boundary, and this clearing activity isolates and jeopardizes the viability of the trees on the westernmost lobe of tract E. If all these things occur, the rooms on the second story of the Campbell residence could end up with a largely unobstructed view of the cell tower directly to their north.
9. The tree canopy along the southern and eastern edges of the cell tower parent parcel extending south and east into The Reserve at Patterson Creek is a mixture of deciduous and conifer trees, with deciduous predominating. Thus, the risk of partial cell tower visibility is higher in the winter than in the summer. The houses that have been constructed within The Reserve plat are generally oriented toward the east and west, with no views of special importance identified in any specific direction. The trees within the canopy range between approximately 80 and 130 feet in height, and the Applicant’s site plans identify the vicinity tree canopy to be at an average height of approximately 88 feet. At such height, and factoring in the sight lines from the Appellants’ properties at issue, the tree canopy height should be sufficient to obscure views of the antennas at the top of the pole.
10. At a height of 150 feet, the proposed monopole tower would exceed by approximately 20 feet the highest trees in the area. It would be conspicuously visible from Northeast Union Hill Road on the parent parcel’s northern boundary both to traffic arriving from the west and from currently undeveloped parcels north of the roadway. A row of trees on the northern property line of the cell tower parent parcel is relatively short and would at most only screen the lower half of the pole.
11. A steel monopole 150 feet in height requires a significant girth as shown in the Applicant’s site drawings. The pole would be 36 inches in diameter at its base and approximately 30 inches in diameter at a height of 100 feet. Including proposed co-locations, approximately the top 30 feet

of the pole would be devoted to the three antenna arrays.

As contended by the Appellants, the monopole array would have an industrial appearance. It would not, however, be the only utility structure of an industrial nature in the neighborhood. About one-third of a mile east of the site a Bonneville Power Administration power line right-of-way crosses Union Hill Road, with a multi-line steel support structure approximately 80 feet in height visible from the roadway at a distance of about 200 feet. Moreover, the BPA right-of-way also intersects the entry road to The Reserve at Patterson Creek, where another steel support structure is highly visible to entering and exiting plat residents at a distance of approximately 150 feet.

12. The discussion within the record of alternative tower locations is somewhat sketchy but does not disclose the existence of a feasible location that either was not reviewed by the Applicant and DDES staff, or was reviewed and unreasonably rejected. The BPA easement is about 1750 feet from the northeast corner of the proposal's parent parcel, which places it beyond the quarter mile range for the mandatory co-location review required by County ordinance. In view of the fact that the coverage profile for the proposed site is weakest on the west and strongest to the east, it is a logical assumption that moving the tower location further east would defeat the Applicant's coverage goals. In like manner, a water tower more than one mile to the east of the site would neither provide the needed coverage or interface with other transmission facilities. Finally, while placement of antennas within public right-of-ways and on existing utility poles is a preferred option, the 150-foot height requirement makes a right-of-way location infeasible. Puget Sound Energy would not allow a 150-foot steel pole within its right-of-way, and serious doubt exists that a wood laminate pole above about 125 feet is a workable option. Moreover, at this height the pole base-width dimension and equipment requirements appear to be simply too large for safe and convenient right-of-way placement.
13. In a similar manner, there is no serious basis in the record for concluding that T-Mobile within this application is not attempting to fill a legitimate transmission gap within its service area on Union Hill Road or that the tower height has been arbitrarily increased above a necessary level. The propagation modeling done in June 2002 by the Applicant shows a coverage pattern consisting of approximately five existing cell towers surrounding the proposed site, which itself is characterized by poor to nonexistent coverage. At 150 feet the propagation mapping shows the coverage to be adequate but not overabundant. This all suggests that this proposed pole is neither a launch site, the height of which may be overstated in terms of long-range coverage plans, nor reasonably subject to reduction without impairing reasonable coverage goals. As stated by the Applicant from the outset, the height has been dictated primarily by the need for its signal to clear existing topography and trees.

CONCLUSIONS:

SEPA Threshold Determination Appeal

1. The basic standard to be applied to the review of a threshold determination appeal is that the SEPA record must demonstrate the actual consideration of relevant environmental impacts. With respect to those relevant impacts shown to be actually considered, the decision of the SEPA official is entitled to substantial weight on review and shall not be overturned unless clearly

- erroneous based on the record as a whole.
2. The fundamental issue raised by the Appellants' SEPA appeal is whether the visual impacts of the proposed T-Mobile monopole will create an unmitigated adverse aesthetic impact to their residential properties located offsite to the south. This is an issue that has been raised forcefully and consistently by the Appellants from the outset of County review of the T-Mobile proposal. Their efforts have resulted in the relocation of the proposed monopole further east and north to better make use of screening provided by existing trees, and in SEPA conditions of mitigation requiring flush-mounted antennas and visual camouflaging through painting.
 3. The visual impacts of monopole proposals have been a frequent subject of SEPA threshold determinations appeals heard by the King County Hearing Examiner's office in previous years. Over a course of time this office has developed a standard of review that precludes a finding of an unmitigated significant adverse impact to aesthetics warranting denial of a monopole application based on mere visibility. This principle was summarized as follows within a 1998 appeal decision:

“In the review of monopole applications for minor communications facilities within King County, the rule that has been consistently applied in Hearing Examiner proceedings has been that no significant aesthetic impact occurs unless a valuable view is impaired. This means that the mere fact that a tower may be visible from neighboring properties does not constitute in itself a significant adverse impact. Because monopoles are thin structures that do not normally produce major blockage, they do not have a significant adverse visual impact unless a view of specific importance is impaired or the facility is so close to the viewer that it dominates the perspective.” (*U.S. West/Lake Sammamish Parkway Site*, L97AC032)
 4. The record demonstrates that the T-Mobile monopole will be at least potentially visible from lots 18 through 22 of the Reserve at Patterson Creek located to the south and east of the monopole location at distances ranging from 400 through 850 feet. Since this pole is an exceptionally large structure located in a Rural Area that is otherwise generally rustic or suburban in appearance, an unobstructed view of the facility from a nearby residence at close range could result in a potentially serious adverse aesthetic impact. The presence, however, of intervening wooded open space tracts between lots 18, 19 and 20 and the monopole site will fully screen views from the residences on these properties during the summer months and result in, at most, only partial glimpses of the lower pole structure during the winter. At the distances involved and in the absence of a specific viewshed of importance, these occasional glimpses of the pole cannot be regarded as a significant adverse environmental impact.
 5. Although the absence of current residential development on lot 21 necessarily introduces a speculative element into our deliberations, the risk of visual impacts to lots 21 and 22 will be substantial after lot 21 is constructed. This is because the visual screening of the monopole for these two lots will depend upon the continued survival of a 100-foot width of trees within the westernmost lobe of tract E, as augmented by whatever trees remain on lot 21 and along the southern boundary of the parent parcel for the monopole application. If clearing were to occur on all three sides of the exposed western lobe of tract E, the viability of the remaining trees would become imperiled and the screening

effect of tract E vegetation might be lost over time. While such a future occurrence cannot be characterized at this point in time as probable, the visual impacts on lots 21 and 22 from the loss of all vegetative screening may be described as significant and adverse. As will be further discussed below, maintaining the existing tree cover along the southern boundary of the monopole proposal's parent parcel both provides additional screening to residences on lots 21 and 22 and supports the continued viability of trees on the western lobe of tract E. Maintaining those trees is an outcome, however, that can be achieved within the conditional permit review process without recourse to SEPA substantive authority.

6. The visual impacts of the proposed monopole development will be noticeable to drivers on Union Hill Road approaching from the west and from currently undeveloped properties across the arterial to the north. The distance from the monopole site to the roadway is about 240 feet and is only partially screened at the lower level by a row of relatively small trees. Thus, about one-half of the upper monopole structure will be visible from the road. While this view may be an annoyance to some passing drivers, it is a fleeting intrusion that does not rise to the level of a significant adverse environmental impact. Due to the presence of the BPA transmission lines just down the road to the east, the view of the monopole cannot be regarded as a jarringly unique disturbance of an otherwise pristine environment.
7. The SEPA record discloses actual consideration by the Department of Development and Environmental Services of the potential environmental impacts of this proposal. The Appellants have not met their burden of proof to demonstrate that the determination of non-significance is either contrary to law or inadequately supported by the record and therefore clearly erroneous.
8. Based on the record, the decision of the SEPA official is not clearly erroneous, is supported by the evidence of record, and assures that there is no probability of significant adverse environmental impacts.

Conditional Use Permit

9. The standards for approval of a conditional use permit are stated at KCC 21A.44.040. Of particular importance to our review are the first three, which require that the Applicant demonstrate that:
 - “A. The conditional use is designed in a manner which is compatible with the character and appearance of an existing, or proposed development in the vicinity of the subject property;
 - B. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
 - C. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property.”

10. Unlike some bedroom communities, the King County regulatory framework does not regard minor communications facilities such as the proposed T-Mobile monopole with unrelenting hostility. Comprehensive Plan Policies F-329 through F-336 acknowledge the beneficial effects of telecommunication service improvements in negating transportation impacts and bringing innovative technologies to a broader audience. Within this policy context, KCC chapter 21A.26 undertakes to balance the legitimate needs of the service provider with the interests of residential property owners not to be inundated with oversized and redundant transmission facilities. The approach provided by the ordinance requires reasonable levels of mitigation, prefers location of new facilities on existing structures where available, and encourages competing service providers to co-locate on a single transmission structure.
11. The provisions of KCC chapter 21A.26 supplement the conditional use standards by providing structure and detail to the generalized compatibility standards stated at KCC 21A.44.040. Thus site placement decisions are encouraged to use topography and existing vegetation and buildings to screen the transmission support structure from adjacent properties. This includes the use of compatible colors and materials to blend into surrounding environments. (KCC 21A.26.330) The visual incompatibility produced by tall monopole structures may be reduced if demonstrated not to be necessary to an applicant's coverage requirements. (KCC 21A.26.340.D) Based on the foregoing, prior Hearing Examiner decisions have evolved a visual compatibility standard which complements the SEPA standard for significant adverse aesthetic impacts:

“For the visual impact of a cellular tower to rise to the level of neighborhood incompatibility, it must interfere with an identified valuable view amenity, not simply be visible within a panoramic landscape.” (*Sprint Spectrum*, L97AC037)
12. Over the period of review for this application the Applicant has modified its proposal and DDES has required further conditions that address the compatibility issues associated with the visual impacts of the proposed monopole consistent with the conditional use standards as expanded within KCC chapter 21A.26. The monopole site has been relocated to provide better vegetative screening to properties to the south. Flush-mounted antennas will be required to reduce visual impacts from the antenna array at the top of the tower. Appropriate painting will be mandated to assure that the tower blends into its visual environment. In this regard, one of the unintended consequences of the Appellants' balloon test videotape was to demonstrate the effectiveness of color camouflaging. From certain angles, the red and yellow balloons were equally unscreened but the light yellow balloon was barely visible because it blended into the gray cloudy sky. In addition to the specific impact mitigations described above, T-Mobile will make the monopole tower facility available to other providers for co-location purposes. Finally, while a 150-foot monopole is a tall and relatively thick structure that has the potential for raising incompatibility issues if its effects are unmitigated, there is no credible evidence in the record that the 150-foot height is not supported by the Applicant's coverage requirements in the context of local topography and tree heights.
13. As mitigated, the Applicant's monopole proposal can be located and constructed in a manner that makes it reasonably compatible with residential developments to its south and east. Due to the squeaky wheel phenomenon, providing greater protection to lots within The Reserve at Patterson Creek has come at a cost of greater incompatibility with views from Union Hill Road and properties north of the road. One specific concern which arises is that painting the monopole

dark green based on the height of the tree canopy to the south and east may unduly increase its visibility from Union Hill Road. A reasonable requirement is to limit the dark green painting height to a maximum of 80 feet, which would take into account the fact that the tree screening along Union Hill Road is at generally a lower height.

14. Finally, the continued assurance of visual compatibility regarding the monopole as viewed from the south from lots 21 and 22 of The Reserve at Patterson Creek requires retention of the tree cover that currently exists in the southeast portion of the parent parcel. These trees not only directly contribute to the visual screening of views from lots 21 and 22, but their continued presence also adds mass to the trees located in the westernmost portion of tract E and the thin connective strip of the tract adjacent to the parent parcel's southeast corner. Maintaining the tree mass in this area, therefore, also supports the continued viability of the tract E screen. A condition for onsite tree preservation in this location has been added to the decision based on the compatibility authority provided within the conditional use standards and the specific provisions of KCC 21A.26.340.A.
15. As mitigated, the T-Mobile proposal meets the conditional use standards stated at KCC 21A.44.040 and the specific review requirements of KCC Chapter 21A.26; and is designed, sized and located in a manner that is compatible with character and appearance of surrounding development and the characteristics of the site. The Appellants have not met their burden of proof to establish by a preponderance of the evidence that applicable project approval standards cannot be met by the T-Mobile proposal.

DECISION:

The SEPA threshold determination and conditional use permit appeals are DENIED. The conditional use permit is GRANTED and a waiver from setbacks is approved, subject to the following conditions:

1. Mitigation measures imposed under SEPA authority:
 - A. The support structure and all exterior mounted equipment shall be painted dark green below the tree line within the vicinity of the tower and a non-reflective gray above the tree line to decrease the visual presence of the facility. Any antenna mounted on the tower shall be limited to flush-mounted design and configuration. (KCCP Chapter 3, KCC 21A.26)
 - B. The Applicant shall install sufficient backup power capable of providing a minimum of eight hours of backup power supply to the base station. (KCC Chapter 12)
2.
 - A. Development shall be generally in accordance with the CUP application as discussed within the DDES September 12, 2003, report and the attached revised site plan received July 14, 2003, except as modified by conditions.
 - B. Minor revisions to plans are permitted to assure compliance with County Codes and conditions of this approval.
 - C. Approval of this CUP does not vest this development to any subsequently required permits, nor does it affect the requirements for vesting of subsequent permits or approvals per KCC 20.20.070. This development proposal is subject to all rules, regulations, policies and codes in effect at the time of building permit application.

3. A building permit shall be issued within four (4) years of the transmittal date of this decision. Otherwise, this action shall become null and void. Completion of construction and mounting of antenna must comply with the time frames found in KCC 21A.26.350.
4. At the time of the building permit submittal the Applicant shall file with DDES a letter agreeing to allow co-location on the tower. The agreement shall commit the Applicant to provide, either at a market rate cost or at another cost basis agreeable to the affected parties, the opportunity to co-locate the antenna of other service providers on the Applicant's proposed tower to the extent that such co-location is technically and structurally feasible for the affected parties.
5. Any noise generated by this proposal shall be in conformance with the provisions contained in King County Code Title 12. The building permit plans shall be revised to reflect the sound barriers as outlined by the acoustics report prepared by SSA Acoustics, dated August 27, 2003.
6. Should any of these communications facilities and transmission structure no longer be used for communication transmissions in the future, the Applicant shall obtain permits as required for removal of all associated facilities no long in use. Removal of structures shall occur within one year from elimination of operation on the site.
7. No further modifications to increase the height of the tower above 150 feet shall be permitted. This limitation is not meant to preclude multiple service providers from co-locating on the proposed tower, nor preclude a future request for Conditional Use Permit (CUP) approval to extend tower height under the CUP process which allows for public review for issues of compatibility.
8. For purposes of the painting required by condition 1.A above, determination of the "tree line" shall take into account the need for screening views of the monopole from Union Hill Road and shall not exceed a height of 80 feet above ground elevation.
9. A "L" shaped tree preservation tract shall be established in the southeast portion of the five-acre parent parcel for the transmission facility. Beginning at the parent parcel's southeast corner, this tract shall extend 200 feet west and 200 feet north along the parcel's exterior boundaries, then extend along lines perpendicular to the parcel's southern and eastern boundaries respectively to create an interior tract width of 100 feet. Within this tract, all significant trees as defined at KCC 21A.06.1167 shall be inventoried and retained for visual screening purposes and to support the continued viability of adjacent trees on tract E within The Reserve at Patterson Creek. Any trees removed within the preservation tract shall be replaced at a 3:1 ratio with evergreens having a minimum height at planting of 16 feet.

An easement creating this preservation tract and incorporating the requirements of this condition shall be executed by the owner of the parent parcel and by the Applicant and recorded prior to building permit issuance, as approved by DDES. The easement shall specify that it shall be enforceable pursuant to KCC Title 23 against both the parent parcel owner and the transmission facility lessee(s).

ORDERED this 24th day of February, 2004.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 24th day of February, 2004, to the following parties and interested persons of record:

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NOTICE OF RIGHT TO APPEAL

The action of the hearing examiner on this matter shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the issuance of this decision. The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.

MINUTES OF THE FEBRUARY 3, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L02CU021.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Sherie Sabour and Cass Newell, representing the Department; Kirk Wines, representing the Appellants; John Hendrickson representing the Applicant; and Todd Rinn, George Thurtle, Howard Campbell, Brian Mulligan, Brian Hughes, Mike Roy and Todd Fiebig.

The following exhibits were offered and entered into the record:

- | | |
|----------------|--|
| Exhibit No. 1 | DDES file no. L02CU021 |
| Exhibit No. 2 | DDES CUP Report and Decision, dated 9-12-03 |
| Exhibit No. 3 | SEPA Mitigated Determination of Non-Significance, dated 9/12/03 |
| Exhibit No. 4 | Signal coverage maps (2) with and without the proposed site |
| Exhibit No. 5 | Letter from Craig Walkenhorst to Sherie Sabour, dated 11/26/02 |
| Exhibit No. 6 | Original site plan (file ex. D-6) submitted 6/14/02 |
| Exhibit No. 7 | Revised site plan (file ex. D-7) submitted 7/14/03 |
| Exhibit No. 8 | Assessor's map |
| Exhibit No. 9 | Balloon test video tape submitted by David Rinn on 5/14/03 |
| Exhibit No. 10 | Recorded plat of The Reserve at Patterson Creek (3 sheets) |
| Exhibit No. 11 | Sensitive Area Notice on Title for the subject parcel, received on 2/14/03 |
| Exhibit No. 12 | Email from David Rinn to Sherie Sabour, dated 10/31/02 |
| Exhibit No. 13 | Notice of request for corrected or additional information to Craig Walkenhorst from Sherie Sabour, dated 1/13/03 |
| Exhibit No. 14 | Email from Craig Walkenhorst to Sherie Sabour, dated 12/23/02 |
| Exhibit No. 15 | Email from Tim Gasser to Todd Walton, dated 5/22/03 |
| Exhibit No. 16 | Letter from Todd Walton to Sherie Sabour, dated 7/10/03 |

- Exhibit No. 17 Coverage analysis for co-location within King County right-of-way (9 pages) submitted by T-Mobile on 7/14/03
- Exhibit No. 18 Balloon test photo simulation results submitted by T-Mobile on 5/05/03
- Exhibit No. 19 Balloon test photo simulation results submitted by T-Mobile on 7/14/03
- Exhibit No. 20 Plat map with highlighted markings
- Exhibit No. 21 Enlarged aerial photograph of subject area
- Exhibit No. 22 Respondent's proposed witness list and additional fact information dated 1/20/04

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